

REMARKS

By this amendment, claims 1-24 are pending, in which claims 1, 4, 9, 13, 19 and 21 are currently amended, and claim 24 is newly presented. No new matter is introduced.

The Office Action mailed May 20, 2004 rejected claims 1, 2, 9 and 10 under 35 U.S.C. § 102 as anticipated by *Jonsson et al.* (US 6,208,959), and claims 3, 7, 8, 11, 12, 16, 17, 19 and 30 as obvious under 35 U.S.C. § 103 based on *Jonsson et al.* in view of *Ohta* (US 5,703,311).

Applicant appreciates the indication that claims 4-6, 13-15, 81 and 21-23 are allowable if rewritten in independent form.

Accordingly, Applicant has recast claims 4, 13 and 21 in independent form, and thus, claims 4-6, 13-15, 81 and 21-23 should be allowed.

To expedite prosecution, Applicant has amended independent claims 1, 9 and 19. Claim 1 is now directed to a method “for **interfacing with a human user**,” and recites “sending to the **human user** at least one group of the information as a voice transmission with a tonality unique to the at least one group that distinguishes the at least one group from others of the groups.” Amended claim 9 is drawn to an “information system **for interfacing with a human user**” and recites “means for sending, **to the human user**, each of the groups of the information as a voice transmission preceded by a unique tone of a musical key that distinguishes each group from others of the groups.” Lastly, independent claim 19, as amended, is directed to an “information system **for interfacing with a human user**,” and includes the feature of “an interface for voice transmitting each group preceded by a unique tone, which tones are in a single musical key, so that the tones distinguish each group from the other groups **to the human user**.”

By contrast, *Jonsson et al.* bears no relation to “interfacing with a human user,” but instead pertains to techniques for adapting non-speech data for transmission via a coded voice channel in an air interface in a mobile telecommunications system (e.g., a GSM-system), so that

the air interface will accommodate the in-band signaling with respect to the land-based communications systems. (col. 2: 56-61)

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Jonsson et al.* fails to anticipate amended independent claims 1, 9 and 19. In part because of their dependency from independent claims 1 and 9, claims 2 and 10 are also patentably distinguishable over *Jonsson et al.*

As for the obviousness rejection, Applicant respectfully submits that the addition of *Ohta* does not cure the deficiencies of *Jonsson et al.* with respect to the features of “for **interfacing with a human user**,” and “sending to the human user at least one group of the information as a voice transmission with a tonality unique to the at least one group that distinguishes the at least one group from others of the groups.” *Ohta* was applied for a supposed teaching of “with the tones of the groups being a musical progression of tones of a musical key and starting the musical progression with the tonic tone of the musical key” and provides no mention of any user interface, much less the interface as claimed.

Further, Applicant submits that *Ohta* is non-analogous art, in contravention of MPEP §2141.01(a). Pursuant to MPEP §2141.01(a), the Examiner must determine what is “analogous prior art” for the purpose of analyzing obviousness. In order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992); and *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993). In the case at hand, one skilled

in the art would not consult *Ohta* to address the problem of determining where the user is in a dialog (navigation, including browsing). (See e.g., Specification, paragraph [11], page 2). *Ohta* (col. 1: 9-11) relates to electronic musical apparatuses which use formant sound synthesis to synthesize sounds or voices for the music. *Ohta* recognizes a need to provide a singing voice synthesizing apparatus which is capable of singing a song in a natural manner based on performance data originally created for performance of a musical instrument (col. 1: 55-58).

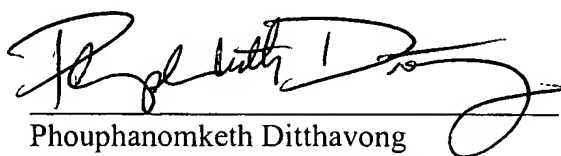
Turning now to newly added claim 24, this independent claim is drawn to a “method for providing a **user interface to navigate** through information,” and includes the features of “assigning a plurality of tonalities to a respective plurality of information groups for identifying of the information groups that are arranged hierarchically; and presenting one of the information groups as a voice transmission with the corresponding tonality to a user, wherein successive ones of the information groups of the information correspond to a musical progression of tones of a musical key, and ascending frequency of the tones are associated with the information groups in one direction of the hierarchy and descending frequency of the tones are associated with the information groups in another direction of the hierarchy.” The art of record is silent on these claim features. Thus, Applicant respectfully urges the indication that new claim 24 is allowable.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date


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